

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ERIC MICHAEL MILTON,

11 Petitioner,

12 v.

13 UNITED STATES OF AMERICA,

14 Respondent.

Case No. C05-5756 RBL

Case No. CR04-5265 RBL

ORDER

17 THIS MATTER comes on before the above-entitled Court upon Petitioner's Notice of Appeal
18 [C05-5756RBL, Dkt. #6].

19 Having considered the entirety of the records and file herein, the Court rules as follows:

20 Eric Michael Milton has filed a Notice of Appeal of this Court's Order [C05-5756RBL, Dkt. #3] which
21 denied his motion under 28 U.S.C. § 2255. In order for the appeal to proceed this Court must first determine
22 whether to issue a Certificate of Appealability. 28 U.S.C. § 2253. For the reasons stated in this Court's Order
23 [C05-5756 RBL, Dkt. #3] the Court declines to issue a Certificate of Appealability because the petitioner has
24 failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

25 **IT IS SO ORDERED.**

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
2 pro se.

Dated this 31st day of January, 2006.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE